

SECOND REGULAR SESSION

SENATE BILL NO. 1000

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Read 1st time January 22, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

3989S.05I

AN ACT

To amend chapters 167 and 210, RSMo, by adding thereto three new sections relating to educational needs and rights for foster children.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 167 and 210, RSMo, are amended by adding thereto
2 three new sections, to be known as sections 167.018, 167.019, and 210.1050, to
3 read as follows:

167.018. 1. Sections 167.018 and 167.019 shall be known and may
2 be cited as "The Foster Care Education Bill of Rights."

3 2. Each school district shall designate a staff person as the
4 educational liaison for foster care children. The liaison shall do all of
5 the following in an advisory capacity:

6 (1) Ensure and facilitate the proper educational placement,
7 enrollment in school, and checkout from school of foster children;

8 (2) Assist foster care pupils when transferring from one school
9 to another or from one school district to another, by ensuring proper
10 transfer of credits, records, and grades;

11 (3) Request school records, as provided in section 167.022, within
12 two business days of placement of a foster care pupil in a school; and

13 (4) Submit school records of foster care pupils within three
14 business days of receiving a request for school records, under
15 subdivision (3) of this subsection.

167.019. 1. A child placing agency, as defined under section
2 210.481, RSMo, shall promote educational stability for foster care
3 children by considering the child's school attendance area when
4 making placement decisions. The foster care pupil shall have the right
5 to remain enrolled in and attend his or her school of origin pending

6 resolution of school placement disputes. The department of elementary
7 and secondary education shall promulgate rules and regulations for
8 assigning transportation costs associated with pupil placement under
9 this subsection.

10 2. Each school district shall accept for credit full or partial
11 course work satisfactorily completed by a pupil while attending a
12 public school, nonpublic, or nonsectarian school in accordance with
13 district policies or regulations.

14 3. If a pupil completes the graduation requirements of his or her
15 school district of residence while under the jurisdiction of the juvenile
16 court as described in chapter 211, RSMo, the school district of
17 residence shall issue to the pupil a diploma from the school the pupil
18 last attended before detention or, in the alternative, the superintendent
19 of the school district may issue the diploma.

20 4. School districts shall ensure that if a pupil in foster care is
21 absent from school due to a decision to change the placement of a pupil
22 made by a court or child placing agency, or due to a verified court
23 appearance or related court-ordered activity, the grades and credits of
24 the pupil shall be calculated as of the date the pupil left school, and no
25 lowering of his or her grades shall occur as a result of the absence of
26 the pupil under these circumstances.

27 5. School districts shall be authorized to permit access of pupil
28 school records to any child placing agency for the purpose of fulfilling
29 educational case management responsibilities required by the juvenile
30 officer or by law and to assist with the school transfer or placement of
31 a pupil.

32 6. Any rule or portion of a rule, as that term is defined in section
33 536.010, RSMo, that is created under the authority delegated in this
34 section shall become effective only if it complies with and is subject to
35 all of the provisions of chapter 536, RSMo, and, if applicable, section
36 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
37 and if any of the powers vested with the general assembly pursuant to
38 chapter 536, RSMo, to review, to delay the effective date, or to
39 disapprove and annul a rule are subsequently held unconstitutional,
40 then the grant of rulemaking authority and any rule proposed or
41 adopted after August 28, 2008, shall be invalid and void.

210.1050. 1. For purposes of this section, for pupils in foster care

2 or children placed for treatment in a licensed residential care facility
3 by the department of social services, "full school day" shall mean six
4 hours in which the child is under the guidance and direction of
5 teachers in the educational process.

6 2. Each pupil in foster care or child placed for treatment in a
7 licensed residential care facility by the department of social services
8 shall be entitled to a full school day of education unless the school
9 district determines that fewer hours are warranted. Such child's family
10 support team, acting as the child's guardian, shall have the right to
11 seek mediation with the school district, as described in subsection 3 of
12 this section, if they disagree with the school district's determination.

13 3. (1) The department of elementary and secondary education
14 shall implement procedures and policies to allow parties involved in
15 matters under this section to resolve disputes through a mediation
16 process. The procedures shall meet the following requirements:

17 (a) The mediation process shall be voluntary on the part of the
18 parties;

19 (b) The mediation process shall not be used to deny or delay any
20 other complaint process available to the parties; and

21 (c) The mediation process shall be conducted by a qualified and
22 impartial mediator trained in effective mediation techniques;

23 (2) The department of elementary and secondary education shall
24 maintain a list of individuals who are qualified mediators and
25 knowledgeable in laws and regulations relating to the provision of
26 education and related services. The state shall select mediators on a
27 random, rotational, or other impartial basis;

28 (3) The department of elementary and secondary education shall
29 bear the cost of the mediation process;

30 (4) Each session in the mediation process shall be scheduled in
31 a timely manner and be held in a location that is convenient to the
32 parties in dispute;

33 (5) If the parties resolve a dispute through the mediation
34 process, such parties shall execute a legally binding agreement that
35 sets forth the resolution and:

36 (a) States that all discussions that occurred during the mediation
37 process shall remain confidential and may not be used as evidence in
38 any subsequent administrative proceeding, administrative hearing, or

39 civil proceeding of any federal court or state court; and

40 (b) Is signed by a representative of each party who has authority
41 to bind the party;

42 (6) Discussions that occur during the mediation process shall be
43 confidential and may not be used as evidence in any subsequent
44 administrative proceeding, administrative hearing, or civil proceeding
45 of any federal court or state court.

46 4. The commissioner of education shall designate an ombudsman
47 to assist the family support team and the school district as they work
48 together to meet the needs of children placed for treatment in a
49 licensed residential care facility by the department of social
50 services. The ombudsman shall have the final decision over
51 discrepancies regarding school day length. A full school day of
52 education shall be provided pending the ombudsman's final decision.

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Bill

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